

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO,
et. al.**

Defendants.

CIVIL NO. 12-2039 (GAG)(PG)

**EXTENSION OF TIME PURSUANT PARAGRAPH 239 OF THE AGREEMENT
TO THE HONORABLE COURT:**

COME NOW the Commonwealth of Puerto Rico and the Puerto Rico Police Bureau, through the undersigned counsel, and respectfully allege and pray as follows:

1. Pursuant to Paragraph 239 of the Agreement, the PRPB hereby request to modify several timeframes contemplated in the Action Plans.
2. Paragraph 239 of the Agreement for the Sustainable Reform of the Police of Puerto Rico, reads as follows:

“239. Should PRPD need to modify any of the timeframes set forth in the Action Plans, PRPD shall explain to the TCA, in writing, why such modification is necessary. For good cause, which may include budgetary or funding limitations, the TCA may extend any timeframe by up to four months. However, the TCA shall not extend the initial timeframe by more than four months without the approval of DOJ. DOJ shall not unreasonably withhold approval. Any modification to an Action Plan, including extensions approved by the TCA and DOJ, shall be filed with the Court for approval. Extensions submitted to the court shall be effective, absent further action from the Court, 30 days after submission to the court. Disputes on approval for extensions may be submitted to the Court for resolution. The Parties agree that should PRPD need to extend

the time for completing an Action Plan beyond the time frame originally contemplated in the approved Action Plan for operational or budgetary reasons, such an extension shall be permitted upon agreement of the Parties and the TCA or upon leave of Court.”

3. For the past year, the Commonwealth has been under the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) which has considerably limited the fiscal budget of the PRPB. These limitations have affected the original timeframe set out in the Action Plans.
4. PROMESA on sec. 304 (h) states that this Act may not be construed to permit the discharge of obligations arising under Federal police or regulatory laws, including laws relating to the environment, public health or safety, or territorial laws implementing such Federal legal provisions. This includes compliance obligations, requirements under consent decrees or judicial orders, and obligations to pay associated administrative, civil, or other penalties.
5. Therefore, the Commonwealth recognizes its obligations and commitment with the Police Reform Agreement, and seeks only an extension of time to comply with the following activities set forth in the Action Plans:

Action Plan Activity		Page	Modified timeframe
1.	Paragraph 13 Personnel study (Docket 775, March 9, 2018).	1.3, page 21 Action Plan Professionalization	Staffing and resource allocation plan August 29, 2018.
2.	Develop Special Weapons Training by Members of the Specialized Tactical Divisions (DTE).	1.10, page 41 Action Plan Use of Force	Submit by November 1, 2018.
3.	To develop Training for the Use and Management of the Mechanized System to make the electronic reports of incidents.	1.15, page 42 Action Plan Use of Force	Submit by December 3, 2018

4.	Train 50% of the MNPPR belonging to the CIT.	1.2, page 50 Action Plan Use of Force	July 1, 2018 to submit the syllabus. 4 months from the approval of the training material.
5.	Train 50% of MNPPR in the training of response to crisis of behavior.	1.4, page 51 Action Plan Use of Force	Training began on April 16, 2018. Date to complete 100% of training: September 16, 2019.
6.	Review Regulation to dispose up to the rank of Captain either by examination.	1.5, page 12 Action Plan Professionalization	Submit by June 30, 2018.
7.	Review General Order to establish descriptions, functions, duties and responsibilities for the personnel of the Range System.	1.6, page 13 Action Plan Professionalization	Submit by June 30, 2018.
8.	Develop evaluation protocol on compliance with best practices.	1.16, page 79 Equal Protection and Non-Discrimination Action Plan	Submit by June 30, 2018.
9.	Revised General Order 100-106 SAOC.	1.3. page 112 Action Plan Policies and Procedures	Submit by September 30, 2018.
10.	Revised Staff Rules of the NPPR.	1.3 página 112 Plan Acción Políticas y Procedimientos	1.3 page 112 Action Plan Policies and Procedures.
11.	Develop General Order to create a Virtual Library.	6.1, page 120 Action Plan Policies and Procedures	Submit by July 31, 2018.
12.	Develop General Orders on faculties, duties and responsibilities of supervisors.	1.2, page 189 1.3, 1.4, page 194-197 Plan Action Supervision and Administration	Submit by June 30, 2018.
13.	Develop Procedures Manual on the Early Identification System.	3.2, page 191 2.1, page 197-198 Plan Action Supervision and Administration	Submit by September 30, 2018.
14.	Develop Manual to establish guides to carry	4.2, page 192	Submit by

	out operational and administrative inspections.	3.1, page 198 Action Plan Supervision and Administration	September 30, 2018.
15.	Develop Interagency Memorandum between the NPPR, Federal and State Justice System, Municipal Police.	5.1, page 193 1.3, page 194-196 Plan Action Supervision and Administration	Submit by August 31, 2018.
16.	Review Regulation 6403, Program for the Detention of Controlled Substances in Officials and Employees of the NPPR.	4.1, page 221-22 Action Plan Administrative Complaints	A bill will be submitted to the legislature on or before September 30, 2018 to amend Act No. 78-1197 as amended. After approval, the Regulation is amended. If the bill is rejected, the Commonwealth will discuss with USDOJ the possibility to amend the Agreement.
17.	Develop a Collaborative Agreement between the NPPR and the Department of Justice to establish consultation procedures from the NPPR to the prosecutor's office to determine continuity or suspension of the terms of administrative investigations.	1.2, page 217 Action Plan Administrative Complaints	Submit by September 30, 2018.
18.	Revised General Order: Press Office.	3.2, page 245 Action Plan Policies and Procedures	Submit by, June 30, 2018.
19.	Develop General Order on the Use and Handling of Portable Recording Devices.	3.1, page 271 Action Plan Information Systems and Technology	Submit by September 30, 2018.
20.	Create the Community Police Training.	2.3, page 248 Action Plan Interaction with the community and Public Information	June 1, 2018 to complete the design and start the implementation of the training.
21.	Create multi-thematic training on receipt,	1.1, page 222	Submit by

	classification and processing of administrative complaints for SARP and OAL staff.	Action Plan Administrative Complaints	July 1, 2018.
22.	Train 50% of the personnel of SARP and OAL on receipt, classification and processing of administrative complaints.	1.2, page 224 Action Plan Administrative Complaints	Completed 100% July 1, 2019.
23.	Create a Multi-thematic course to train the personnel that performs supervision and administration functions.	2.1, page 225 Action Plan Administrative Complaints	Submit by August 1, 2018.
24.	Train 50% of the personnel that performs supervision and administration functions.	2.2, page 226 Action Plan Administrative Complaints	50% completed by August 1, 2019.
25.	Start training for supervisors who belong to specific work units.	2.3, page 226 Action Plan Administrative Complaints	It will start by October 1, 2018
26.	Start training for supervisors who belong to districts and precincts.	2.4, page 227 Action Plan Administrative Complaints	It will start by April 1, 2019
27.	Create Multi-thematic course to train NPPR staff in the requirement to notify about any improper conduct.	3.1, 3.2, 3.3, 3.4, page 228-230 Action Plan Administrative Complaints	Course will be developed by November 1, 2018 without including the subject of Garrity.
28.	The Division of Psychology and Social Work will develop the guidance design for the personnel who exercise supervision and administration on how to manage stress.	4.1, 4.2, 4.3, 4.4 page 230-232 Action Plan Administrative Complaints	To start as virtual training by June 15, 2018.
29.	The SAEA will re-train those employees to whom a performance deficiency that could be corrected through retraining has been identified.	2.2, page 237 Action Plan Administrative Complaints	To submit the syllabus by January 14, 2019. Development of training by March 1, 2019.
30.	The SAEA will develop a multi-thematic training aimed at the personnel that will work in the recruitment process phase.	1.1, page 100 Action Plan Recruitment, Selection and Appointment	6 months after the policy is signed.
31.	The SAEA will create multi-thematic to train	1.3, page 194-196	Training will begin

	the personnel that exercises supervision tasks in the NPPR considering the inherent functions of each rank.	Action Plan on Supervision and Administration	March 31, 2019
32.	The SAEA will create a training course for all MNPPRs that exercise supervisory and administrative functions over the OG and the EIS Manual.	3.1, page 198 Action Plan on Supervision and Administration	It will start by March 30, 2019
33.	The SAEA will train 50% on the Performance Evaluation System of the MNPPR.	1.5, page 201 Action Plan on Supervision and Administration	6 months after the policy is signed
34.	The SAEA will train 100% of the personnel assigned to the Inspection Division of SARP on the Inspection Manual.	1.10, page 205, 206 Action Plan on Supervision and Administration	Completed 100% June 30, 2019
35.	The NPPR will document through the Early Identification System all improper conduct, evaluation of employees.	1.3, page 210 Action Plan on Supervision and Administration	It will start by March 30, 2019
36.	The Bureau of Technology will develop, in coordination with SARP, an information system that allows the collection of data on the results of operational and administrative inspections.	2.1, page 211 Action Plan on Supervision and Administration	It will start by March 30, 2019
37.	Monitor that the ratio between the first line supervisor and the MNPPRs maintained in such a way that direct, effective supervision can be carried out.	2.4, page 213 Action Plan on Supervision and Administration	It will start by December 30, 2018

6. It is important to note, that the Parties and TCA have previously discussed the above suggested timeframes to be modified.

WHEREFORE, it is respectfully requested from this Honorable Court to take notice of the above stated and find Defendants in good cause pursuant Paragraph 239 of the Agreement and grant the above requested extension of time.

I HEREBY CERTIFY that on this same date, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing to all attorneys of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on July 18, 2018.

WANDA VÁZQUEZ GARCED
Secretary of Justice

WANDYMAR BURGOS VARGAS
Deputy Secretary in Charge of
Litigation
Department of Justice

SUSANA PEÑAGARÍCANO BROWN
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